

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LYDIA BETH SCANLAN,

Plaintiff,

v.

OFFICER BASILE and OFFICER  
APPLEQUIST #138, individually,

Defendants.

Case No.

JUDGE

JUDGE BUCKLO

MAGISTRATE JUDGE ROSEMOND

COMPLAINT

NOW COMES the Plaintiff, LYDIA BETH SCANLAN, by and through her attorneys,  
GREGORY E. KULIS AND ASSOCIATES, complaining against the Defendants, as follows:

COUNT I- FALSE ARREST

1. This action is brought pursuant to 42 U.S.C. §1983 and §1988 of the United States Constitution, and the laws of the State of Illinois;
2. Jurisdiction is invoked under 28 U.S.C. §1343 and pendant jurisdiction under Illinois state law;
3. The Plaintiff, LYDIA BETH SCANLAN, was at all relevant times a resident of the State of Illinois, County of Cook;
4. The Defendants, OFFICER BASILE and OFFICER APPLEQUIST, were at all relevant times acting as police officers pursuant to the customs and policies of the Village of Chicago Heights;
5. At all relevant times, the Defendants were acting under color of law;
6. On or about August 12, 2000, the Plaintiff was at 22<sup>nd</sup> and Butler in Chicago Heights, Illinois;

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U.S. DISTRICT COURT

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7. The Defendant officers came on the scene and were at the scene looking for a suspect relating to an earlier incident that night;

8. The Plaintiff was outside with her mother-in-law, Martha Rojas;

9. The Defendants proceeded to enter Ms. Rojas' house;

10. The Defendants then pushed the Plaintiff down the stairs;

11. The Defendants thereafter grabbed and arrested the Plaintiff;

12. The Defendants charged the Plaintiff with obstructing justice;

13. The Plaintiff, LYDIA BETH SCANLAN, was not committing a crime or breaking any laws;

14. The Defendants did not have a warrant or probable cause to arrest the Plaintiff;

15. The actions of the Defendants were intentional, willful and wanton;

16. Said actions of the Defendants violated Plaintiff LYDIA BETH SCANLAN Fourth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983;

17. As a direct and proximate consequence of said conduct of the Defendants, the Plaintiff, LYDIA BETH SCANLAN, suffered violations of her constitutional rights, emotional anxiety, fear, emotional distress, humiliation, embarrassment, monetary loss, pain and suffering.

WHEREFORE, the Plaintiff, LYDIA BETH SCANLAN, prays for judgment against the Defendants, OFFICER BASILE and OFFICER APPLEQUIST in the amount of TWENTY THOUSAND AND 00/100 (\$20,000.00) DOLLARS compensatory damages, and TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS punitive damages plus reasonable attorneys' fees and costs.

**COUNT II-MALICIOUS PROSECUTION**

1-10. The Plaintiff hereby realleges and incorporates her allegations of paragraphs 2-12 of Count I as her respective allegations of paragraphs 1-10 of Count II as though fully set forth herein;

11. The Defendants proceeded with criminal charges knowing they were false;

12. The criminal charges were ultimately rendered by a finding in favor of the Plaintiff;

13. The actions of the Defendants were intentional willful and wanton;

14. As a result of the actions of the Defendants, the Plaintiff incurred pain, suffering, aggravation, emotional distress, fear and monetary loss.

WHEREFORE, the Plaintiff, LYDIA BETH SCANLAN, prays that this Honorable Court grant judgment in her favor and against Defendants OFFICER BASILE and OFFICER APPLEQUIST, in the amount of TWENTY THOUSAND AND 00/100 (\$20,000.00) DOLLARS compensatory damages, and TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS punitive damages plus costs.

**JURY DEMAND**

The Plaintiff requests trial by jury.

Respectfully submitted,  
LYDIA BETH SCANLAN

  
\_\_\_\_\_  
GREGORY E. KULIS AND ASSOCIATES  
Attorneys for the Plaintiff

GREGORY E. KULIS AND ASSOCIATES  
30 North LaSalle Street, Suite 2140  
Chicago, Illinois 60602  
(312) 580-1830

JS 44  
(Rev. 12/96)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required by the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

## I. (a) PLAINTIFFS

LYDIA BETH SCANLAN

COOK

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

GREGORY E. KULIS & ASSOCIATES  
30 N. LaSalle Street, Suite 2140  
Chicago, Illinois 60602

## DEFENDANTS

OFFICER BASILE and OFFICER  
APPLEQUIST #138, individuallyCOUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

JUDGE BUCKLO MAGISTRATE JUDGE ROSEMOND

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐

## IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 CMI Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

VIOLATION OF 42 U.S.C. Section 1983

## VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: YES ☐ NO ☐

## VIII.

This case

- ☒ is not a refiling of a previously dismissed action.
- ☐ is a refiling of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE

7/13/01

SIGNATURE OF ATTORNEY OF RECORD

D. Gregory &amp; Associates

1-2

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**

**JUDGE BUCKLO**

In the Matter of **LYDIA BETH SCANLAN,**

Plaintiff,

v.

**OFFICER BASILE and OFFICER  
 APPLEQUIST #138, individually,**  
 Defendants.

**APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:**

**LYDIA BETH SCANLAN**

Case Number

**01C 5727**

**MAGISTRATE JUDGE ROSEMOND**

**DOCKETED**

**JUL 26 2001**

(A)	(B)
SIGNATURE <i>Gregory E. Kulis</i>	SIGNATURE <i>Kathleen Coyne Ropka</i>
NAME <b>Gregory E. Kulis</b>	NAME <b>Kathleen Coyne Ropka</b>
FIRM <b>Gregory E. Kulis and Associates</b>	FIRM <b>Gregory E. Kulis and Associates</b>
STREET ADDRESS <b>30 N. LaSalle Street, Suite 2140</b>	STREET ADDRESS <b>30 N. LaSalle Street, Suite 2140</b>
CITY/STATE/ZIP <b>Chicago, Illinois 60602</b>	CITY/STATE/ZIP <b>Chicago, Illinois 60602</b>
TELEPHONE NUMBER <b>312/580-1830</b>	TELEPHONE NUMBER <b>312/580-1830</b>
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>state of Illinois 6180966</b>	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE <i>Shehnaz I. Mansuri</i>	SIGNATURE
NAME <b>Shehnaz I. Mansuri</b>	NAME
FIRM <b>Gregory E. Kulis and Associates</b>	FIRM
STREET ADDRESS <b>30 N. LaSalle Street, Suite 2140</b>	STREET ADDRESS
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TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

1-3